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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALESSANDRO DIRIENZO, on behalf of
himself, and on behalf of all persons
similarly situated,
Plaintiffs,

vs.

DUNBAR ARMORED, INC., a Maryland
Corporation,
Defendant.

Consolidated with:

ANTHONY ROGERS, on behalf of himself
and all others similarly situated,
Plaintiff,

v.

DUNBAR ARMORED, INC., a Maryland
corporation, and DOES 1 through 100,
inclusive,
Defendants.

CASE No. 09 cv 2745 DMS (JMA)

**ORDER AWARDING ATTORNEYS'
FEES AND LITIGATION EXPENSES
TO CLASS COUNSEL**

CASE NO. 10CV1931 DMS (BGS)

This matter came before the Court for hearing, pursuant to the order of this Court dated April 4, 2011 [Doc. No. 30], on the application of Plaintiffs for consideration of final approval of the settlement and for consideration of the application for an award of attorneys' fees and costs. Due and adequate notice having been given to the Class as required in said Order, and the Court having considered all papers filed and proceedings had herein and otherwise being fully informed of the

1 premises and good cause appearing therefor, it is

2 HEREBY ORDERED THAT:

3 1. The Court determines that an award of attorneys' fees to Class Counsel under the
4 common fund doctrine in the amount of \$500,000.00, representing 33.33% of the \$1,500,000.00
5 settlement value to the Settlement Class, is fair, reasonable, and appropriate. Counsel for the Class
6 performed work which benefitted the Settlement Class and expended substantial time and effort in
7 litigating this matter. An award of attorneys' fees in this amount compares favorably to the accepted
8 benchmark of attorneys' fees awards in common fund cases.

9 2. The substantial recovery obtained and the results achieved, along with the risks of the
10 litigation, the skill required, quality of the work, the contingent nature of the fee, the financial burden
11 carried by Class Counsel, and awards made in similar cases, all justify the requested attorneys' fee and
12 costs award. The work of Class Counsel on behalf of the Class resulted in the creation of a common
13 fund with a total settlement value of \$1,500,000.00.

14 3. Class counsel prosecuted this case on a contingent basis. The Court finds that there is
15 a substantial difference between the risk assumed by attorneys being paid by the hour and attorneys
16 working on a contingent fee basis. Class Counsel subjected themselves to this contingent fee market
17 risk in this case and the requested award of thirty percent of the settlement value to the Class is
18 appropriate.

19 4. At the time this case was brought, the result was uncertain. The substantial risks of this
20 litigation could have resulted in the Class receiving nothing if the claims were litigated.

21 5. In prosecuting this action, Class Counsel displayed skill and expertise in a wage and hour
22 class action involving novel and difficult issues.

23 6. The Court finds that the named Plaintiffs performed their duties and roles as the class
24 representatives admirably. The Court hereby awards a class representative service award of \$5,000.00
25 each to named Plaintiffs Alessandro Dirienzo and Anthony Rogers, which the Court finds to be fair and
26 reasonable, to be paid in accordance with the Stipulation of Settlement..

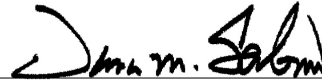
27 7. The Court further finds that class counsel advanced costs and incurred expenses in the
28 amount of \$20,189.19 on behalf of the Class. These costs and expenses were reasonably necessary in

1 the prosecution of the matter, and therefore, the Court awards Class Counsel \$20,189.19 for
2 reimbursement of costs and expenses.

3 5. For all of the above reasons, the Court hereby awards \$500,000.00 to Class Counsel as
4 attorneys' fees, \$20,189.19 as litigation expenses, and \$5,000.00 as a service award to each of the two
5 named Plaintiffs, all to be paid in accordance with the terms of the Stipulation of Settlement.

6 **IT IS SO ORDERED.**

7 DATED: August 5, 2011

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9 HON. DANA M. SABRAW
10 United States District Judge
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